

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PATRICK TOUSSAINT,	:
Plaintiff,	:
v.	: Civil Action No. 05-443J
DAVID GOOD, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On October 4, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 31, recommending that the defendants' motion to dismiss, docket no. 23, which the Magistrate Judge had previously ordered to be treated as a motion for summary judgment, docket no. 26, be granted.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 32, which in large part repeat the statements made in response to the defendants' motion. See docket no. 30.

After de novo review of the record of this matter together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 17th day of October, 2006, it is

ORDERED that defendants' motion to dismiss, docket no. 23, construed as a motion for summary judgment, is granted. Judgment is entered for the defendants. The Report and Recommendation is adopted as the Opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

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